IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

HUNTINGTON DIVISION

KENNETH WAYNE ADKINS,

Plaintiff,

v. CIVIL ACTION NO. 3:090-1111

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court **GRANT** Plaintiff's Motion for Judgment on the Pleadings (Doc. #10), **DENY** Defendant's Motion for Judgment on the Pleadings (Doc. #11), **REVERSE** the final decision of the Commissioner, **REMAND** this matter pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings, and **DISMISS** this action from the docket of this Court. Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **GRANTS** Plaintiff's Motion for Judgment on the Pleadings (Doc. #10), **DENIES** Defendant's Motion for Judgment on the Pleadings (Doc. #11), **REVERSES** the final decision of the Commissioner, **REMANDS** this matter pursuant to sentence four of 42 U.S.C. §

405(g) for further administrative proceedings, and **DISMISSES** this action from the docket of this Court, consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: December 23, 2010



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE